



UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

GREG KUEBEL, *on Behalf of
Himself and All Others Similarly
Situating,*

Plaintiff,

v.

BLACK & DECKER (U.S.) INC.,

Defendant.

NOTICE OF APPEAL

Civil Action No.
08-CV-6020T

Notice is hereby given that Greg Kuebel, plaintiff in the above named action, on behalf of himself and all others similarly situated, hereby appeals to the United States Court of Appeals for the Second Circuit from: an Order entered on the 1st day of May 2008 denying plaintiff's motion for a protective order; an Order entered on the 26th day of January 2009 denying without prejudice plaintiff's motion for discovery; an Order entered on the 18th day of May 2009 granting defendant's motion for partial summary judgment; an Order entered on the 12th day of May 2010 granting defendant's motion for summary judgment and dismissing plaintiff's complaint in its entirety with prejudice and denying as moot defendant's motion for notice to opt-in collective action plaintiffs and plaintiff's motion for supplemental notice to putative plaintiffs; and the judgment entered on the 13th day of May 2010 granting defendant's motion for summary judgment and dismissing plaintiff's complaint. Plaintiff appeals from each and every part of the above Orders and Judgment

including to the extent they extinguished the toll on the statute of limitations for all putative collective action members as imposed in the May 23, 2008 Stipulation and Order.

Dated: June 8, 2010

Respectfully submitted,

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